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January 8, 2016

Via ECF

The Honorable Charles R. Breyer
United States District Court
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: ***In re: Volkswagen “Clean Diesel” Marketing, Sales Practice, and
Products Liability Litigation, MDL No. 2672 CRB***

Dear Judge Breyer:

Pursuant to this Court’s Pretrial Order No. 2, I, Jack W. Lee of Minami Tamaki LLP (“MT”) respectfully submit this application for appointment to the Plaintiffs’ Steering Committee in this action.

(1) Professional Experience

I am a Partner with Minami Tamaki LLP and have specialized in prosecuting complex consumer fraud, employment, antitrust, and civil rights class actions for 39 years. My firm and I have held lead counsel and liaison counsel positions in a number of cases, and have also been part of the plaintiffs’ committee acting in concert with lead counsel in many cases.

I have received a preeminent “AV” rating from the Martindale-Hubbell National Law Directory and have been named a “Super Lawyer” - a recognition given to no more than 5% of lawyers – for 12 consecutive years, including a Top 100 distinction in 2015.

I serve as Chair of the Judicial Advisory Committee for U.S. Senator Barbara Boxer and have also served as a Lawyer Representative for the Ninth Circuit Court of Appeals (2005-2008).

Representative class action cases I and my firm have served as lead counsel or played a prominent role in include:

- *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, Case No. 3:07-md-01827-SI (N.D. Cal.) (Judge Susan Illston): Appointed as Liaison Counsel and worked cooperatively with Co-Lead Counsel in achieving \$1.1 billion in settlements, one of the largest indirect purchaser class action settlements in United States history.

- *Christofferson v. United States*, Case No. 01-495C (Court of Federal Claims) (Judge Eric G. Bruggink): Lead counsel for class of U.S. census workers misclassified as exempt and denied overtime. Tried class action misclassification case to verdict in favor of plaintiffs, resulting in a multimillion dollar settlement.

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- *West v. Abercrombie & Fitch Stores*, Case No. 04-cv-4730-SI (N.D. Cal.) (Judge Susan Illston): Lead counsel for class of women alleging gender discrimination in hiring and promotion practices against major national retailer. Resulted in \$69 million settlement and six-year consent decree requiring monitoring of hiring and promotion practices for women and minorities.

- *Donnelly v. Glickman*, Case No. 95-cv-4389-DLJ (N.D. Cal.) (Judge D. Lowell Jensen (Ret.)): Lead counsel for class of female U.S. Forest Service employees who were sexually harassed. First federal court case to certify a class of women who were subjected to a sexually hostile environment. Resulted in a seven-year consent decree.

- *Davis v. City and County of San Francisco*, No. 84-cv-1100-MHP (N.D. Cal.) (Judge Marilyn Hall Patel (Ret.)): Lead counsel in race discrimination class action alleging hiring and promotion discrimination in the San Francisco Fire Department. Resulted in a ten-year consent decree.

- *Crews v. Cisco Systems*, No. 07-cv-654-JSW (N.D. Cal.) (Judge Jeffrey S. White): Lead counsel in race discrimination class action resulting in two-year consent decree.

- *Davidowitz, et al. v. Fisher Investments*, No. 453331 (San Mateo Superior Court) (Judge Steven L. Dylina): Lead counsel in wage and hour class action resulting in multi-million dollar settlement.

- *Mowdy, et al., v. Beneto Bulk Transport (KAG West)*, No. 06-5682 MHP (N.D. Cal.) (Judge Marilyn Hall Patel (Ret.)): Lead counsel in class action on behalf of petroleum truck drivers regarding unpaid wages and other labor violations.

(2) Names and Contact Information of Judges

I have had the honor of working with the following individuals who could speak about my expertise and skill as a litigator:

- Hon. Edward M. Chen, U.S. District Court Judge, Northern District of California, San Francisco Courthouse, Courtroom 5 – 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, emccrd@cand.uscourts.gov
- Hon. Joseph C. Spero, Chief Magistrate Judge, Northern District of California, San Francisco Courthouse, Courtroom G – 15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, jscred@cand.uscourts.gov
- Professor Eric Green, Resolutions, LLC, 125 High Street, Boston, MA 02110, ericdgreen@resolutionsllc.com
- Hon. Daniel Weinstein (Ret.), Judicial Arbitration & Mediation Services, Two Embarcadero Center, Suite 1500, San Francisco, CA 94111, 415-982-5267
- Hon. Patrick Mahoney (Ret.), Judicial Arbitration & Mediation Services, Two Embarcadero Center, Suite 1500, San Francisco, CA 94111, 415-982-5267

(3-8) Willingness and Ability to Commit to Litigation, Work Cooperatively with Counsel, and Access to Resources

My firm represents over two dozen owners of Volkswagen vehicles from three states, California, Pennsylvania and Maryland, who were impacted by the installation of “defeat devices” in the Defendants’ purportedly “clean diesel” turbocharged diesel injection (“TDI”) vehicles. Amongst the potential class representatives that MT represents are Dr. John Balmes, George Torgun

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and Sarah Burt. Dr. Balmes is the physician member of the California Air Resources Board (“CARB”) and is an expert in the negative health impacts caused by the pollutants emitted from Defendants’ TDI vehicles. George Torgun and Sarah Burt are both environmental attorneys at San Francisco Baykeeper and Earthjustice, respectively, and are experts in the Clean Air Act, the impact of the pollution caused by Defendants and the regulatory regimes implemented by the Environmental Protection Agency (“EPA”) and CARB.

MT is fully willing, able and committed to providing whatever financial and staffing resources are necessary for the successful prosecution of this action. I am personally prepared to spend whatever time is necessary to resolve this case on terms that are fair to Volkswagen and Audi owners and I have the full support and commitment of my firm.

As demonstrated by my resume, which is attached to this letter, I have been involved in dozens of complex class actions across the country in many different areas of law. Many of these class actions have resulted in injunctive relief and consent decrees that required me to implement and monitor corrective action for the benefit of class members, often over several years. A case of this nature will likely require the continued involvement of class counsel in ensuring that any remedy is fully implemented over a significant period of time.

I have been able to work successfully and cooperatively with many different lawyers and law firms across the United States. In addition, through my extensive experience in legal and community organizations, I have had the opportunity to work with many plaintiffs and defense attorneys outside of the adversarial system.

MT and I have access to the resources necessary to prosecute this action in a timely manner. Our firm is headquartered in San Francisco and has successfully operated for over four decades. Our litigation practice group consists of numerous attorneys and staff who have decades of experience litigating complex class actions.

MT is one of the oldest minority owned law firms in the United States with a strong civil rights background and a long history of representing consumers against powerful corporate interests. MT has a diverse group of attorneys and staff, which provides access to a wide range of experiences, skills and language abilities.

I respectfully request the opportunity to represent the owners of affected TDI vehicles. In addition, to the extent this Court believes a liaison counsel is necessary or that a specific member of the Plaintiffs’ Steering Committee should be tasked to serve in the liaison counsel role, I would request appointment to that role. Given the nationwide scope of this case, MT respectfully submits that there is a need for experienced counsel to serve in a liaison role in this case.

If the Court requires any additional information regarding my qualifications or the qualifications of my firm, I will be prepared to answer any questions that the Court may have at the January 21, 2016 hearing.

Respectfully Submitted,

/s/ Jack W. Lee

Jack W. Lee